

1 IN THE CIRCUIT COURT OF MILWAUKEE COUNTY

2 STATE OF WISCONSIN

3 -----
4 SHEENAH ARENZ,

5 Plaintiffs,

6 and

7 STATE OF WISCONSIN DEPARTMENT
8 OF HEALTH SERVICES and UNITED
9 HEALTHCARE,

Involuntary Plaintiffs,

10 vs.

Case No. 19-CV-2536

11 INMATE SERVICES CORPORATION
12 and MARIUS NESBY,

Defendants.

13 -----
14
15 Deposition of SHEENAH ARENZ

16 Thursday, January 9, 2020

17 1:19 p.m.

18 LAW OFFICES OF ROBERT A. LEVINE
19 630 North Broadway
Milwaukee, Wisconsin

20
21
22
23
24 Reported by Christine A. Kovac, RPR
25

EXHIBIT

A

| | | | | | |
|----|--|---------------------------------------|----|--|--------|
| 1 | Deposition of SHEENAH ARENZ, a witness | Page 2 | 1 | TRANSCRIPT OF PROCEEDINGS | Page 4 |
| 2 | in the above-entitled action, was taken at the instance of | | 2 | SHEENAH ARENZ, called as a witness herein, | |
| 3 | the Defendants, under and pursuant to the provisions of | | 3 | by the Defendants, after having been first | |
| 4 | Chapter 804 of the Wisconsin Statutes, and pursuant to | | 4 | duly sworn, was examined and testified as follows: | |
| 5 | Notice, before me, CHRISTINE A. KOVAC, RPR, Registered | | 5 | E X A M I N A T I O N | |
| 6 | Professional Reporter, and Notary Public in and for the | | 6 | Q Hi. Ms. Arenz, right? | |
| 7 | State of Wisconsin, at LAW OFFICES OF ROBERT A. LEVINE, | | 7 | A Arenz. | |
| 8 | 630 North Broadway, Milwaukee, Wisconsin, on the 9th day | | 8 | Q My name is Steve McGaver. We met briefly before the | |
| 9 | of January, 2020, commencing at 1:19 p.m. and concluding | | 9 | deposition. I'm not going to go through the rules | |
| 10 | at 3:23 p.m. | | 10 | again -- | |
| 11 | | | 11 | A Okay. | |
| 12 | | | 12 | Q -- because I believe your lawyer just went through | |
| 13 | | | 13 | them a little bit off the record. If you don't | |
| 14 | | | 14 | understand a question that I'm asking, I will ask that | |
| 15 | A P P E A R A N C E S | | 15 | you tell me; and I'll try to rephrase the question or | |
| 16 | LAW OFFICES OF ROBERT A. LEVINE, by | | 16 | I'll ask it in a way that, hopefully, will make you | |
| 17 | Mr. Robert A. Levine | | 17 | understand it. Are you with me? | |
| 18 | 630 North Broadway | | 18 | A Yes, I am. | |
| 19 | Milwaukee, Wisconsin 53202 | | 19 | Q If you need to take a break -- I don't know how long | |
| 20 | Appeared on behalf of the Plaintiff. | | 20 | we'll be going; hopefully not long enough where you'll | |
| 21 | CRIVELLO CARLSON, S.C., by | | 21 | need to take a break -- I just ask that, if there's a | |
| 22 | Mr. Steven McGaver | | 22 | question pending, we don't take a break until the | |
| 23 | 710 North Plankinton Avenue, Suite 500 | | 23 | question is answered. Fair enough? | |
| 24 | Milwaukee, Wisconsin 53203 | | 24 | A Yes. | |
| 25 | Appeared on behalf of the Defendants. | | 25 | MR. LEVINE: Let's go off the record for a | |
| 1 | I N D E X | Page 3 | 1 | second. | Page 5 |
| 2 | EXAMINATION BY: | PAGE: | 2 | MR. MCGAVER: Yes. | |
| 3 | Mr. McGaver | 4 | 3 | (A brief discussion was held off the | |
| 4 | | | 4 | record.) | |
| 5 | | | 5 | MR. MCGAVER: Back on the record. | |
| 6 | E X H I B I T S | | 6 | Q Could you please state your full name? | |
| 7 | NUMBER: | EXHIBIT DESCRIPTION: | 7 | A Sheenah Lynn Arenz. | |
| 8 | Exhibit 1 | Amended Summons and Amended Complaint | 8 | Q Have you ever gone by any other names? | |
| 9 | Exhibit 2 | Copies of text message communications | 9 | A Yes. | |
| 10 | Exhibit 3 | Medical Record from January 15, 2019 | 10 | Q What are those? | |
| 11 | | 86 | 11 | A Sheenah Lynn Schloesser. | |
| 12 | (Original exhibit attached to original transcript; exhibit | | 12 | Q Can you spell the last name? | |
| 13 | copies provided to attorneys requesting copies.) | | 13 | A Schloesser, S-c-h-l-o-e-s-s-e-r. | |
| 14 | | | 14 | Q Is that your maiden name? | |
| 15 | | | 15 | A Yes, it is. | |
| 16 | | | 16 | Q Arenz is your married name? | |
| 17 | | | 17 | A Yes, it is. | |
| 18 | R E Q U E S T S | | 18 | Q Have you ever gone by any other names? | |
| 19 | (No requests were made.) | | 19 | A No. | |
| 20 | | | 20 | Q What's your current address? | |
| 21 | | | 21 | A 209 South Warren Street in Watertown, Wisconsin, | |
| 22 | | | 22 | 53094. | |
| 23 | | | 23 | Q Have you ever taken a deposition before? | |
| 24 | | | 24 | A No. | |
| 25 | | | 25 | Q Lucky me. | |

| | | Page 6 | | Page 8 | |
|----|-----------------|--|----|--------|--|
| 1 | A | Yes. | 1 | Q | How old is he? |
| 2 | Q | What's the highest grade you completed in school? | 2 | A | 16. |
| 3 | A | Some college. | 3 | Q | Is there anything about today that would affect your ability to provide truthful and accurate testimony to the deposition today? |
| 4 | Q | How many years? | 4 | | |
| 5 | A | Two. | 5 | | |
| 6 | Q | Where did you go to college? | 6 | A | No. |
| 7 | A | University of Phoenix, online. | 7 | Q | Any drugs that would affect your memory? |
| 8 | Q | Online? | 8 | A | No. |
| 9 | A | Yes. | 9 | Q | Any prescription medications? Anything like that? |
| 10 | Q | So you would have sophomore standing or junior standing, if you went back? | 10 | A | No. |
| 11 | | | 11 | Q | Alcohol? |
| 12 | A | Sophomore. | 12 | A | No. |
| 13 | Q | Did you graduate high school? | 13 | Q | Any memory issues that we should know about? |
| 14 | A | Yes, I did. | 14 | A | No. |
| 15 | Q | Where from? | 15 | Q | I didn't think so, but I had to ask. |
| 16 | A | American School. | 16 | | Other than meeting with your lawyer, which I |
| 17 | Q | Where is that? | 17 | | don't want to know anything about, did you do anything |
| 18 | A | Lancing, Illinois. | 18 | | to prepare for the deposition today? |
| 19 | Q | What year? | 19 | A | No. |
| 20 | A | 2002. | 20 | Q | You didn't review any documents? |
| 21 | | MR. LEVINE: Let me cut you off for a second. | 21 | A | No. |
| 22 | | | 22 | Q | You didn't speak with anyone? |
| 23 | | Slow down a little bit because she's got to get you down. Just take your time. | 23 | A | No. |
| 24 | | | 24 | Q | Are you currently employed? |
| 25 | | Go ahead. | 25 | A | No. |
| | | Page 7 | | Page 9 | |
| 1 | BY MR. McGAVER: | | 1 | Q | When is the last time that you were employed? |
| 2 | Q | 2002 you said? | 2 | A | December of 2019. |
| 3 | A | Yes. | 3 | Q | And how were you employed in December of 2019? |
| 4 | Q | What's your date of birth? | 4 | A | Part-time. |
| 5 | A | 5/28/83. | 5 | Q | Where did you work? |
| 6 | Q | Are you currently married? | 6 | A | Country Inn & Suites. |
| 7 | A | Yes. | 7 | Q | Is that in Pewaukee? |
| 8 | Q | And to who? | 8 | A | Fort Atkinson. |
| 9 | A | Kraig Arenz. | 9 | Q | What did you do at the Country Inn & Suites in Fort |
| 10 | Q | I think I read somewhere that you were divorced. | 10 | A | Atkinson? |
| 11 | A | Yes. | 11 | A | Housekeeping. |
| 12 | Q | Is that true? | 12 | Q | How many hours a week? |
| 13 | A | Yes. | 13 | A | It ranged from probably 10 to 20. |
| 14 | Q | And then you remarried Kraig Arenz; is that true? | 14 | Q | Prior to that job, what was your previous employment? |
| 15 | A | Yes. | 15 | A | Trilogy. |
| 16 | Q | When did you remarry Mr. Arenz? | 16 | Q | What is Trilogy? |
| 17 | A | August of 2019. | 17 | A | It's a golf course restaurant. |
| 18 | Q | When were you divorced? | 18 | Q | Where? |
| 19 | A | March of 2015. | 19 | A | Scottsdale, Arizona. |
| 20 | Q | Were you ever married to anyone else? | 20 | Q | What did you do at Trilogy? |
| 21 | A | No. | 21 | A | Waitressed. |
| 22 | Q | How many children? | 22 | Q | Can you give me the dates of your employment roughly at Trilogy? |
| 23 | A | One. | 23 | | |
| 24 | Q | Is he in the lobby right there? | 24 | A | February 2019 -- 2018 -- I'm sorry -- to April 2018. |
| 25 | A | Yes, he is. | 25 | Q | So just a couple of months then, right? |

| | | Page 10 | Page 12 |
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| 1 | A | Yes. | |
| 2 | Q | What about prior to serving as a waitress at Trilogy, what did you do employment-wise? | 1 Q On six separate occasions or six separate crimes? 2 A Six separate occasions. |
| 3 | | | 3 Q Can you run through what those crimes were and roughly 4 when you were convicted of them? |
| 4 | A | I worked at Fox City Sign. | 5 MR. LEVINE: I'm going to object. I don't 6 think you're entitled to that information. |
| 5 | Q | Where is Fox City Sign? | 7 MR. McGAVER: It should be a matter of 8 public record. |
| 6 | A | Menasha, Wisconsin. | 9 MR. LEVINE: Well, it would be. 10 Let's go off the record. |
| 7 | Q | What did you do for Fox City Sign? | 11 (A brief discussion was held off the 12 record.) |
| 8 | A | Office manager. | 13 MR. McGAVER: Back on the record. |
| 9 | Q | What are your dates of employment there? | 14 Q Your attorney has instructed you not to answer the 15 question. Are you going to follow your lawyer's 16 advice? |
| 10 | A | May 2017 to December 2017. | 17 A Yes. |
| 11 | Q | I bet you could have predicted it was coming. What about prior to Fox City Sign? | 18 Q Okay. Well, let's talk a minute about Winnebago 19 County Case 18-CF-179. You were charged with theft in 20 a business setting in between \$5,000 and \$10,000 in 21 March of 2018. Is that right? |
| 12 | A | | 22 MR. LEVINE: That one you can answer because 23 that has to do with why you were picked up in 24 Scottsdale, so go ahead. |
| 13 | A | I owned my own business. | 25 THE WITNESS: Yes. |
| 14 | Q | What kind of business? | |
| 15 | A | I owned a hotel. | |
| 16 | Q | Where was the hotel located? | |
| 17 | A | Door County. | |
| 18 | Q | How many rooms? | |
| 19 | A | Twelve. | |
| 20 | Q | Did you own it by yourself or with your husband? | |
| 21 | | Someone else? | |
| 22 | A | I had a land contract with an investor. | |
| 23 | Q | Land contract with -- I missed who it was. | |
| 24 | A | An investor. | |
| 25 | Q | An investor. And other than owning the hotel, did you | |
| | | Page 11 | Page 13 |
| 1 | | also work there? | 1 BY MR. McGAVER: |
| 2 | A | Yes, I did. | 2 Q And a warrant in Wisconsin was issued for your arrest, 3 again, in March of 2018. Is that right? |
| 3 | Q | What did you do? | 4 A Yes. |
| 4 | A | Everything. I did the reservations, housekeeping, 5 maintenance; anything that needed to be done. | 5 Q And you were ultimately arrested in -- I believe it 6 was in Maricopa County, Arizona; is that right? |
| 6 | Q | What was the name of the hotel? | 7 A Yes. |
| 7 | A | The Harbor Light Inn. | 8 Q That's around the Scottsdale area? |
| 8 | Q | Located where? | 9 A Yes. |
| 9 | A | In Ellison Bay. | 10 Q Did you know about the existence of the warrant and 11 the fact that charges were brought against you, prior 12 to your arrest? |
| 10 | Q | Is it still in existence today? | 13 A No. |
| 11 | A | Yes, it is. | 14 Q So when you were arrested, it was a surprise to you? |
| 12 | Q | Do you still own a portion of it? | 15 A Yes. |
| 13 | A | No. | 16 Q Who was the arresting agency, if you remember? |
| 14 | Q | Is it still called The Harbor Light Inn? | 17 A Scottsdale Police Department. |
| 15 | A | Yes. | 18 Q The City of Scottsdale -- |
| 16 | Q | Any military experience? | 19 A Yes. |
| 17 | A | No. | 20 Q -- Police Department? |
| 18 | Q | Have you ever been a party to a civil lawsuit before? | 21 You just have to be careful. Wait till I finish 22 before you answer. |
| 19 | A | No. | 23 A Sorry. |
| 20 | Q | Never as a plaintiff or a defendant? | 24 Q And when you were arrested, where did the Scottsdale Police Department take you? |
| 21 | A | No. | 25 |
| 22 | Q | Have you ever been convicted of a crime? | |
| 23 | A | Yes. | |
| 24 | Q | How many times? | |
| 25 | A | I believe six. | |

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| | | Page 14 | | Page 16 | |
| 1 | A | Scottsdale Police Department. | 1 | Q | So it would have been the third day you appeared before a judge or a court commissioner or a magistrate, in Arizona; is that right? |
| 2 | Q | You went back to the local police department? | 2 | A | Yes. |
| 3 | A | Correct. | 3 | Q | Do you remember what judicial official you appeared before? |
| 4 | Q | Were you -- how long did you stay at the local police department? | 4 | A | Just the court commissioner. |
| 5 | A | A couple of hours. | 5 | Q | Do you remember the name? |
| 6 | Q | And then where were you taken? | 6 | A | No, I do not. |
| 7 | A | To Maricopa County Jail. | 7 | Q | What did they tell you when the court commissioner -- what did the court commissioner tell you when you made that court appearance? |
| 8 | Q | Who took you to the Maricopa County Jail? What agency? | 8 | A | It was my extradition hearing. I could fight it or I could agree to it, and they would have 28 days to come and get me. |
| 9 | A | The Maricopa Sheriff's Department. | 9 | Q | Did you have a lawyer represent you at that hearing? |
| 10 | Q | Do you happen to remember who from the sheriff's department picked you up and took you to the Maricopa County Jail? | 10 | A | No. |
| 11 | A | No. | 11 | Q | Did the State of Arizona or Maricopa County make a public defender available to you? |
| 12 | Q | Man? Woman? | 12 | A | No. |
| 13 | A | I do not recall. | 13 | Q | Did you speak with private counsel prior to that extradition hearing? |
| 14 | Q | And you were booked into the Maricopa County Jail at that time; is that right? | 14 | A | No. |
| 15 | A | Yes. | 15 | Q | Did the court commissioner tell you where you were being extradited to? |
| 16 | Q | Were you fingerprinted and photographed? | 16 | A | Yes. |
| 17 | A | Yes. | 17 | Q | And they told you it was Wisconsin? |
| 18 | Q | Was that done at the Scottsdale Police Department or Maricopa County Jail? | 18 | A | Yes. |
| 19 | MR. LEVINE: | Or both? | 19 | Q | What about the arresting officers, did they tell you why they were arresting you? |
| 20 | | | 20 | A | Yes. |
| 21 | | | 21 | Q | And what did they tell you? |
| 22 | | | 22 | A | That it was theft from my previous employer. |
| 23 | | | 23 | Q | Which employer was that? |
| 24 | | | 24 | A | Fox City Sign. |
| 25 | | | 25 | Q | Did they tell you how much that Fox City Sign said that you stole? |
| | | | 26 | A | \$10,000. |
| | | | 27 | Q | Did they give you any more details? |
| | | | 28 | A | No. |
| | | | 29 | Q | Meaning, the arresting law enforcement officers? |
| | | | 30 | A | No. They did not have the criminal complaint. |
| | | | 31 | Q | What about the court, did the court or the prosecutor in the courtroom have any more details that they shared with you about the warrant or the Wisconsin case, at that time? |
| | | | 32 | A | No. It was just for extradition. |
| | | | 33 | Q | Did you go through the extradition process or did you waive it? |
| | | | 34 | A | I waived -- if I'm answering it correctly, I waived |

| | | Page 18 | | Page 20 |
|----|---|---------|----|---|
| 1 | it, so that way, the 28 days would start. | | 1 | A No. It's a different jail. We had to get in a vehicle to be taken to another jail. |
| 2 | Q So you waived extradition and started the clock, so to speak, on the 28-day period for the State of Wisconsin to come pick you up and take you to Wisconsin. Am I stating that correctly? | | 2 | Q Oh, I see. And what kind of a vehicle were you transported in to get from one jail to another jail? In other words, what law enforcement agency's vehicle was it? |
| 3 | | | 3 | Q In other words, what law enforcement agency's vehicle was it? |
| 4 | | | 4 | Q Sheriff's department. And it was a -- it resembled an ambulance. |
| 5 | | | 5 | Q And it was a Maricopa County sheriff's vehicle? |
| 6 | A Yes. | | 6 | A Yes. |
| 7 | MR. LEVINE: Sort of. The State of Wisconsin doesn't pick anyone up. | | 7 | Q And they took you to a different jail? |
| 8 | | | 8 | A Yes. |
| 9 | MR. McGAVER: Well, that's true, but they order people, or ask people, to pick them up. | | 9 | Q How long -- were you the only passenger? |
| 10 | | | 10 | A Yes. |
| 11 | MR. LEVINE: That's correct. Go ahead. | | 11 | Q How long was the ride? |
| 12 | BY MR. McGAVER: | | 12 | A 10 minutes. |
| 13 | Q Did anyone, either in the court proceedings or in your conversations with law enforcement officials, explain to you how you would ultimately be transported to Wisconsin, while you were still housed in the Maricopa County Jail? | | 13 | Q And when you arrived at the second jail, tell me what happened next. |
| 14 | | | 14 | A They put me in a holding cell and waited for my transport to arrive. |
| 15 | | | 15 | Q How long were you in the holding cell? |
| 16 | | | 16 | A Three hours. |
| 17 | | | 17 | Q Were you alone? |
| 18 | A No. | | 18 | A No. |
| 19 | Q Did anyone tell you anything about the arrangements that were being made about your transportation to the State of Wisconsin, while you were housed in the Maricopa County Jail? | | 19 | Q How many other people in the holding cell? |
| 20 | | | 20 | |
| 21 | | | 21 | |
| 22 | | | 22 | |
| 23 | A No. | | 23 | |
| 24 | Q After the extradition hearing, how much time did you -- how much additional time did you spend in the | | 24 | |
| 25 | | | 25 | |
| | | Page 19 | | Page 21 |
| 1 | Maricopa County jail? | | 1 | A Ten. |
| 2 | A 27 days. | | 2 | Q Did you speak to any of those ten people in the holding cell? |
| 3 | Q So two days prior to your -- strike that. | | 3 | |
| 4 | How many court appearances did you attend in the state of Arizona? | | 4 | A No. |
| 5 | | | 5 | Q Did any of them speak to you? |
| 6 | A One. | | 6 | A No. |
| 7 | Q So two days prior to your court appearance -- or two nights I think we established prior to your court appearance. You had your court appearance, and then you spent an additional 27 days in the Maricopa County Jail in Arizona; is that right? | | 7 | Q What time of day did this take place? |
| 8 | | | 8 | MR. LEVINE: That she was in the holding cell or when she was picked up? What's your question? |
| 9 | | | 9 | MR. McGAVER: When she was in the holding cell. |
| 10 | | | 10 | |
| 11 | | | 11 | |
| 12 | A Yes. | | 12 | MR. LEVINE: Okay. |
| 13 | Q Can you walk me through how it is you came to leave the Maricopa County Jail? | | 13 | MR. McGAVER: You're right, because three hours had transpired, so fair point. |
| 14 | | | 14 | THE WITNESS: 7:00 in the morning. |
| 15 | A They said my transport was there. | | 15 | BY MR. McGAVER: |
| 16 | Q Who's "they"? | | 16 | Q And then, based on your testimony, if I'm understanding you correctly, at about 10:00 in the morning, your transport arrived; is that right? |
| 17 | A The deputy in our dorm at the jail. And they took me down to a different jail to wait for my transport. | | 17 | A Yes, it was roughly around then. |
| 18 | | | 18 | Q What happened to your jail-issued clothing when your transport arrived? |
| 19 | Q Did the deputy in the dorm -- I'm sorry to interrupt you. Did the deputy in the dorm give you any more information about your transport at that time? | | 19 | A They put me in my street clothes that I came in with. |
| 20 | | | 20 | Q That's the deputy in the Maricopa County Sheriff's Department? |
| 21 | | | 21 | |
| 22 | | | 22 | |
| 23 | A No. She just said, "Pack up. Your ride is here." | | 23 | |
| 24 | Q And you were taken, you said, to a different jail? | | 24 | |
| 25 | A Yes. | | 25 | |
| | Q Or a different section of the jail? | | | |

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| | Page 22 | | Page 24 |
| 1 A | Yes. | 1 A | At first, no. Throughout the first seven days, it |
| 2 Q | And what about your personal effects, what was done | 2 | started to grow in. |
| 3 | with your cell phone and your purse or keys or | 3 Q | I'm not going to ask to do it here today, but do you |
| 4 | whatever else you had? | 4 | think you could pick him up out of a lineup? |
| 5 A | They were given to the transport driver, Marius. | 5 A | Yes. |
| 6 Q | That's Marius Nesby? | 6 Q | Any other unique characteristics that you noticed |
| 7 A | Yes. | 7 | about Marius Nesby? |
| 8 Q | Was Mr. Nesby alone in the transport vehicle or did he | 8 A | Not that I recall. |
| 9 | have a partner? | 9 Q | Was he wearing a uniform of any type when he picked |
| 10 | MR. LEVINE: When? | 10 | you up? |
| 11 BY MR. McGAVER: | | 11 A | Black pants and a darker gray shirt. |
| 12 Q | When you first encountered him. | 12 Q | Did he have a badge? |
| 13 A | He had a partner. | 13 A | He had something hanging around his neck that |
| 14 Q | Tell me how you first encountered Mr. Nesby. We left | 14 | resembled, like, a badge case. |
| 15 | off where you had just, essentially, changed your | 15 Q | Was it clear plastic? Could you see through it? |
| 16 | clothes. You were in your street clothes. Tell me | 16 A | No. It was black. |
| 17 | what happens next. | 17 Q | When you first encountered Mr. Nesby, did he identify |
| 18 A | They take me out of the holding cell, and then Marius | 18 | himself? |
| 19 | handcuffed me in the jail. | 19 A | He just said that he was the transporter. |
| 20 Q | Mr. Nesby walked into the jail, met you outside of | 20 Q | He didn't give you his name? |
| 21 | your holding cell and handcuffed you? | 21 A | No. |
| 22 A | He met me at the counter for booking and obtained a | 22 Q | Did he tell you what company he worked for? |
| 23 | plastic bag that had any personal belongings in it, | 23 A | No. |
| 24 | and my file folder. | 24 Q | Did he show you any identification? |
| 25 Q | Was he alone? | 25 A | No. |
| | Page 23 | | Page 25 |
| 1 A | Yes, he was. | 1 Q | Did you see him show any identification to any staff |
| 2 Q | Where did he take you? | 2 | member of the Maricopa County Jail? |
| 3 A | He took me to the van. | 3 A | Just when he had to fill out his paperwork. |
| 4 Q | Can you describe the van for me? | 4 Q | Did you see him fill out his paperwork? |
| 5 A | It was a white van. | 5 A | Yes. |
| 6 Q | Full-size van? | 6 Q | Did you see anything that he wrote on his paperwork? |
| 7 A | Yes. Newer. | 7 A | No. |
| 8 Q | Any markings on it? | 8 Q | Was he wearing glasses? |
| 9 A | No. | 9 A | I do not recall. |
| 10 Q | Any caging on it? | 10 Q | Was he in possession of any, what I'll call, police |
| 11 A | No. | 11 | equipment? Do you know what I mean by that? |
| 12 Q | Do you understand what I mean by "caging"? | 12 A | No. |
| 13 A | Yes, I do. | 13 Q | Did he have handcuffs with him? |
| 14 Q | Like a paddy wagon. | 14 A | Yes. |
| 15 A | No. It was all open. | 15 Q | What about pepper spray? |
| 16 Q | Any windows in the back of the van? | 16 A | I do not recall. |
| 17 A | Yes. It resembled a Mercedes van. | 17 Q | Did he have a police baton or a billy club? |
| 18 Q | Can you describe Mr. Nesby's physical appearance for | 18 A | In the van, yes. |
| 19 | me? | 19 Q | But not when he brought -- nothing resembling a baton |
| 20 A | He was African American. He appeared to be older, | 20 | or a billy club that he brought with him to the jail, |
| 21 | maybe mid to late 50s, heavier set, and about | 21 | right? |
| 22 | five-seven, five-eight. | 22 A | No. |
| 23 Q | Any tattoos or scars that you noticed? | 23 Q | Did he have a gun on him? |
| 24 A | I do not recall. | 24 A | Yes, in the van. |
| 25 Q | What about facial hair? | 25 Q | Do you remember what kind of a gun it was? |

| | | Page 26 | Page 28 |
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| 1 | A | It was -- I'm not familiar with guns, but it was just 2 a small black one. | 1 Q How many other people? |
| 3 | Q | Was it a handgun? | 2 A Three other male inmates. |
| 4 | A | Yes. | 3 Q Where were they seated? |
| 5 | Q | Was it a revolver? | 4 A Two were in the bucket seat behind me and one was on 5 the bench seat behind the bucket seats. |
| 6 | | MR. LEVINE: She's testified she's not 7 familiar with guns. | 6 Q Did you ever come to learn the names of those 7 individuals? |
| 8 | | I don't know. Can you answer that? | 8 A Yes. |
| 9 | | THE WITNESS: It was just -- | 9 Q Do you remember them now? |
| 10 | | MR. McGAVER: Let me ask it a different way. | 10 A No, I do not recall their names. |
| 11 | Q | Can you describe the gun for me? | 11 Q Do you know whether those individuals were picked up 12 from Maricopa County Jail? |
| 12 | A | Yes. It was black and it was flat. And then it just 13 had -- like he pulled -- you would pull the top back 14 and then release the trigger. | 13 A No, they were not. |
| 15 | Q | Okay. Where did he store the gun in the van? | 14 Q They were picked up from -- do you know where they 15 were picked up from? |
| 16 | A | In the driver's side or passenger's side door, 17 depending upon which side he was sitting on. | 16 A Some had said that they came from Texas, and one came 17 from Mississippi. And I do not recall where the other 18 one came from. |
| 18 | Q | Did any other employees from the transport company 19 ever come into the jail to get you besides Mr. Nesby? | 19 Q When you were seated in the van, were you still 20 handcuffed? |
| 20 | A | No. | 21 A Yes. |
| 21 | Q | Mr. Nesby handcuffed you in the jail? | 22 Q Were the other three male inmates handcuffed, as well? |
| 22 | A | Yes. | 23 A Yes. |
| 23 | Q | And he walked you out to the van? | 24 Q Were you chained to the floor of the van? |
| 24 | A | Yes. | 25 A No. We had shackles around our ankles and then just |
| 25 | Q | What did he instruct you to do? | |
| | | Page 27 | Page 29 |
| 1 | A | Nothing. He just opened the door, and I got in. | 1 separate cuffs in front of us for our wrists. |
| 2 | Q | Do you remember where you sat in the van when you were 3 first picked up? | 2 Q Do you know what a stun belt is? |
| 4 | A | Yes, right behind the driver. | 3 A No. |
| 5 | Q | There was a driver who is separate from Mr. Nesby? | 4 Q It's fair to say you weren't fitted with a stun belt 5 while you were in the van, right? |
| 6 | A | No. That would have been -- he was driving. | 6 A Correct. |
| 7 | Q | Was there any other employee of the transport company 8 in the van? | 7 Q Were you given any food or water when you initially 8 made your way into the van? |
| 9 | A | Yes. | 9 A No. |
| 10 | Q | And can you describe that person? | 10 Q Did you have access to a phone in the van? |
| 11 | A | It was a female, African American. She was about 12 five-eight, five-nine. She wore black pants, gray 13 shirt. She had the same black badge hanging around 14 her neck, and she always wore a baseball cap. | 11 A No. |
| 15 | Q | Did you ever come to know her name? | 12 Q Other than the one gun that we talked about 13 previously, did you see any other guns in the van? |
| 16 | A | Yes, but I do not recall it at this point. | 14 A No. He told us that was the only one he had. |
| 17 | Q | Did she carry handcuffs with her? | 15 Q Did you ride in the same vehicle for the entirety of 16 the trip to Wisconsin? |
| 18 | A | Not on her. | 17 A No. |
| 19 | Q | And she was wearing a similar type of uniform that 20 Mr. Nesby was wearing? | 18 Q Do you know what day you left Maricopa County? |
| 21 | A | Yes. | 19 A I do not know the date. |
| 22 | Q | Were there they other persons in the van besides this 23 woman, Mr. Nesby, and you, when you first got picked 24 up? | 20 Q Do you know what day of the week it was? |
| 25 | A | Yes. | 21 A No, I do not. |
| | | | 22 Q Do you know what time it was? |
| | | | 23 A Morning. |
| | | | 24 MR. LEVINE: She's indicated -- she said 25 10:00, about. |

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| 1 | BY MR. McGAVER: | |
| 2 | Q 10:00 in the morning is when you left? | 1 A It varied on the place that we went to. |
| 3 | MR. LEVINE: She was picked up. | 2 Q Do you remember what it was at this first place? |
| 4 | BY MR. McGAVER: | 3 A No, I don't recall. |
| 5 | Q Did Mr. Nesby, his female partner, or anyone from the | 4 Q Did you ever exit the van while you were stopped at |
| 6 | Maricopa County Jail tell you anything about the route | 5 that restaurant? |
| 7 | that they were planning on taking to get you to | 6 A Yes. |
| 8 | Winnebago County, Wisconsin? | 7 Q And was it to use the bathroom? |
| 9 | A No. | 8 A And to stretch. |
| 10 | Q Anyone tell you how long they thought the trip would | 9 Q How long were you allowed outside of the van? |
| 11 | take? | 10 A Until everyone was ready to go. We didn't have a time |
| 12 | A No. It was explained that when they get an offer for | 11 frame. |
| 13 | somebody that is close to our route, and if we have | 12 Q More or less than a half hour? |
| 14 | room, we could pick them up, or drop off the ones we | 13 A Approximately a half hour. |
| 15 | had. | 14 Q Okay. Did you eat while you were stopped or in the |
| 16 | Q Do you know where the other three prisoners were | 15 van on the road? |
| 17 | supposed to be taken? | 16 A Sometimes both. |
| 18 | A We dropped one off in Los Angeles and one off in -- I | 17 Q Okay. What about this first stop? |
| 19 | believe it was Wyoming. And I do not recall where the | 18 A It was outside of the van. |
| 20 | third one was dropped off at. | 19 Q But you still stopped in the parking lot of the |
| 21 | Q All prior to you being dropped off in Wisconsin, I | 20 restaurant, I presume? |
| 22 | presume. Right? | 21 A Yes. |
| 23 | A Yes. | 22 Q You departed -- we're at about 5:30, if I'm following |
| 24 | Q All right. That would make sense. | 23 your timeline correctly; is that right? |
| 25 | How long were you on the road before your first | 24 A Yes. |
| | | 25 Q How much longer did you drive until your next stop? |
| | Page 31 | Page 33 |
| 1 | stop to either to use the restroom, to get gas -- any | 1 A I don't recall. |
| 2 | kind of a stop? | 2 Q Do you know where your next stop would have been |
| 3 | A We stopped for dinner around 5:00 p.m. | 3 geographically? |
| 4 | Q So from 10:00 in the morning, when you left, until | 4 A Around the Los Angeles area. |
| 5 | 5:00 approximately, you were on the road the entire | 5 Q Do you know where? |
| 6 | day without stopping? | 6 A We made a stop at the Twin Towers in Los Angeles. |
| 7 | A Yes. | 7 Q What was the reason for that stop at the Twin Towers? |
| 8 | Q Not for gas? Not for anything? | 8 A We had to drop somebody off there. |
| 9 | A Correct. He was behind schedule with picking up | 9 Q And this is the same date that you were picked up; is |
| 10 | another person. | 10 that right? |
| 11 | Q Do you remember where geographically you stopped for | 11 A Yes. |
| 12 | dinner? | 12 Q Okay. How long was that stop at the Twin Towers? |
| 13 | A I do not recall. Southern Cal -- Southern California. | 13 A Roughly, half hour. |
| 14 | All I remember is it was past Barstow, California. | 14 Q Okay. Were you allowed out of the van there? |
| 15 | Q Do you remember what restaurant you stopped at? | 15 A Yes. We all got out and went inside. |
| 16 | A I do not recall. | 16 Q How many days was the trip in total from Maricopa |
| 17 | Q And you ate dinner at this restaurant? | 17 County, Arizona to Wisconsin, for you? |
| 18 | A He would go in and order everybody's food -- it was | 18 A I believe it was roughly two weeks. |
| 19 | always the same -- and then bring it out. | 19 Q Did you stop for the night on the night of the first |
| 20 | Q "He", meaning Marius Nesby would do this? | 20 -- or the day -- strike that. |
| 21 | A Yes. | 21 Did you stop on the night of the day you were |
| 22 | Q Did you get to order your own food or was it the same | 22 picked up? |
| 23 | order for everyone? | 23 A They kept driving. |
| 24 | A No. It was the same order for everyone. | 24 Q All through the night? |
| 25 | Q What was that order? | 25 A We stopped on the eighth day. |

| | | Page 34 | Page 36 |
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| 1 | Q | And I presume that Marius Nesby and his partner switched driving responsibilities; is that right? | 1 BY MR. MCGAVER: |
| 2 | A | Yes. | 2 Q In the first eight days, prior to the Utah stop, were you ever alone with Marius Nesby? |
| 3 | Q | And they kept driving until the eighth day? | 4 A Prior to the eighth day? |
| 4 | A | Yes. | 5 Q Within the first eight days. |
| 5 | Q | Do you remember where you stopped on the eighth day? | 6 MR. LEVINE: Read that question back. |
| 6 | A | Utah. | 7 MR. MCGAVER: Let me -- strike it. I'll rephrase it. |
| 7 | Q | Was that at a hotel or someplace else? | 8 |
| 8 | A | We went to a jail in Salt Lake City for the night. | 9 Q From the point in time that you were picked up from |
| 9 | Q | From day one, when you were in the van, until the eighth day, approximately how many times were prisoners dropped off? | 10 Maricopa County Jail, until the point in time where |
| 10 | A | I don't recall. | 11 you spent the night in the Salt Lake City Area Jail in |
| 11 | Q | How many times were they picked up? Do you remember that? | 12 Utah, were you ever alone with Marius Nesby? |
| 12 | A | I believe three. | 13 A Yes. |
| 13 | Q | Were there any of the initial three prisoners still with you on the night that you stopped in Utah? | 14 Q How many times? |
| 14 | A | Yes, one. | 15 A I recall four times. |
| 15 | Q | And do you remember where that gentleman's final destination was supposed to be? | 16 Q A few enough number where we should probably take them one by one. Can you describe the first time that you were alone with Marius Nesby within the time period that we just spelled out? |
| 16 | A | I do not recall. | 17 A I don't recall the locations, but every time that I was alone was at a gas station or a rest area. |
| 17 | Q | You stopped in jail in Salt Lake City. You were taken into the jail, and stayed the night in a holding cell; is that right? | 18 Q And you would be alone in the van with Mr. Nesby? |
| 18 | A | No. They put us in general population. | 19 A No. Once -- I was alone in the van with him twice, but it was after the eight days. And then, prior to it, he would take me and a guy to go use the |
| 19 | Q | What time of the day did you arrive at this jail? | 20 |
| 20 | A | It was evening. | 21 |
| 21 | Q | Did they issue you jail clothing when you arrived? | 22 |
| 22 | A | Yes. | 23 |
| 23 | Q | Do you know whether your personal effects remained in the van, or were they brought in with you to the jail? | 24 |
| 24 | A | They stayed in the van. | 25 |
| 25 | Q | Do you remember the names of any of the prisoners that rode with you during the entirety of your two-week trip? | 26 |
| 26 | A | Yes, a couple of them. | 27 |
| 27 | Q | What are the names that you remember? | 28 |
| 28 | A | Geri Ann. | 29 |
| 29 | Q | Anyone else? | 30 |
| 30 | A | The other two were only their nicknames. It was Tayee (ph) and Chicago. | 31 |
| 31 | Q | Any other female prisoners? | 32 |
| 32 | A | Just Geri Ann. | 33 |
| 33 | Q | Geri Ann? And can you spell that? | 34 |
| 34 | A | I have -- I don't know how to do that. | 35 |
| 35 | MR. LEVINE: | Probably just Geri Ann. | 36 |
| 36 | MR. MCGAVER: | It was a stretch. | 37 |
| 37 | MR. LEVINE: | You didn't get her autograph? | 38 |
| 38 | THE WITNESS: | I do have her information. | 39 |

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| 1 | many days? | 1 happened? |
| 2 A | I do not recall. | 2 A Next day I would say. |
| 3 Q | Was it before or after Utah? | 3 Q Okay. |
| 4 A | After. | 4 A So we -- he had walked me up to -- into the gas station. |
| 5 Q | Let's go back to the trip. After Utah, how long were you driving in the transport van until you switched vehicles? | 5 Q Alone? |
| 6 | | 7 A Yes. And it wasn't a single bathroom, so he had me stand outside the door before going in, and he starts rubbing his hand down my hair, down my back, and then it would have been my right butt cheek, at that time. |
| 7 | | 8 A Over your clothing? |
| 8 A | I do not recall how many days it was. | 9 A Yes. Saying that -- he'd say, "The things that I would like to do to you." He said that he really likes me. |
| 9 Q | After the initial overnight stop in Salt Lake City, how many days until you had another overnight stop? | 10 A And then I said, "I have to go to the bathroom. Can I go?" |
| 10 | | 11 Q What did he say in response to that? |
| 11 A | We did not have another overnight. | 12 A He said, "Yes. We'll finish this conversation later." |
| 12 Q | How many days into the trip was the first time that Mr. Nesby assaulted you? | 13 Q Was anything else said prior to you using the restroom? |
| 13 A | Four days. | 14 A No. Well, yes. Because he took my handcuffs off and said, "I'm not supposed to do this but I will for you." |
| 14 Q | Prior to Utah? | 15 Q Did anyone witness that conversation, that you know of? |
| 15 A | Yes. | |
| 16 Q | What did he do? | |
| 17 A | It was in the van, and he had reached behind the driver's seat and started rubbing up my leg. | |
| 18 Q | Right leg or left leg? | |
| 19 A | Left leg. | |
| 20 Q | With his right hand or his left hand? | |
| 21 A | It was his right hand. | |
| 22 Q | Was he saying anything at this time? | |
| 23 A | He was commenting on my hair. | |
| 24 Q | | |
| 25 A | | |
| | Page 39 | Page 41 |
| 1 Q | What did he say about your hair? | 1 A No. |
| 2 A | I had just taken it out of braids, and he said that it was very beautiful and he really liked women with my color hair and curly like that. | 2 Q When you returned from the bathroom, did Mr. Nesby say anything more about your hair or your appearance? |
| 3 Q | | 3 A MR. LEVINE: On that day? |
| 4 A | | 4 BY MR. MCGAVER: |
| 5 Q | Did you say anything in response? | 5 Q At that time. On that day. |
| 6 A | No. | 6 A Yes. He put my cuffs back on when I came out. He said, "I really do like you. Do you feel the same?" |
| 7 Q | When he was rubbing your leg, did you say anything to him? | 7 Q What did you say? |
| 8 A | No. I just moved. | 8 A I just turned and walked towards the vehicle. |
| 9 Q | Moved away from him, I presume? | 9 A Do you remember how many prisoners were being transported at that time? |
| 10 A | Yes. | 10 A Four, five, six -- with me, seven. |
| 11 Q | Did he say anything to you when you moved away? | 11 Q Is this a 15-passenger van? Do you remember? |
| 12 A | No. He pulled his hand back. | 12 A No. It had -- well -- so there was the two -- the driver and the passenger seat, and then there was a bench seat where I sat, that could hold three. And then there was two bucket seats. And then there was just the bench seat behind them that could hold three. |
| 13 Q | Is that how the encounter -- the assault ended? | 13 Q Do you remember the manufacturer of the first vehicle you rode in? You said it looked like a Mercedes? |
| 14 A | Yes. | 14 A Right. It could have been a Nissan, but it was very similar to what they look like. |
| 15 Q | Let's talk about the -- is there anything more that I'm missing in terms of the details of that assault that you believe are important or relevant? | 15 Q Tall, in other words? |
| 16 A | No. | 16 A Yes. |
| 17 Q | Let's talk about the next time that Mr. Nesby assaulted you. Can you describe what happened? | |
| 18 A | We were at a gas station that had a restaurant connected to it. | |
| 19 Q | I'll stop you just for a second. How far into the trip are you during -- when the second assault | |

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| 1 | Q | Did you ever sit anywhere other than immediately | 1 | of the bathroom? |
| 2 | | behind the driver? | 2 | A No, because I was getting uncomfortable at that point. |
| 3 | A | No. | 3 | So Geri Ann -- I explained to her what has been going |
| 4 | Q | That was always your spot during the two-week trip? | 4 | on, and I asked her not to leave my side. |
| 5 | A | Yes. The women had to sit in that row. | 5 | Q How far into the trip did this third encounter with |
| 6 | Q | And who explained that the woman had to sit in that | 6 | Mr. Nesby take place? How many days? |
| 7 | | row, to you? | 7 | A Around that time frame, I started losing track of the |
| 8 | A | Marius. | 8 | days that we were in, but it couldn't have been more |
| 9 | Q | How many days into the trip did he explain that to | 9 | than a couple of days. |
| 10 | | you? | 10 | Q Was it before or after Utah? |
| 11 | A | The first day. | 11 | A That one was before. That was the last one before. |
| 12 | Q | The next time that Mr. Nesby assaulted you, can you | 12 | Q So all three of the incidents that we talked about |
| 13 | | tell me what happened? | 13 | were prior to the stop? |
| 14 | A | It was at a rest area at night, and everyone was | 14 | A Yes. |
| 15 | | getting out of the vehicle to go into the restroom -- | 15 | Q This conversation that you had with Geri Ann, how long |
| 16 | | he'd always have me get off last -- and then he | 16 | after the third encounter with Mr. Nesby did you speak |
| 17 | | grabbed my arm when I was getting ready to walk, | 17 | with Geri Ann about what was going on? |
| 18 | | and -- | 18 | A In the restroom. |
| 19 | Q | Let me ask you a couple of questions to clarify. Do | 19 | Q Same day? |
| 20 | | you know why Mr. Nesby had you get off last? | 20 | A Yes. |
| 21 | A | No. | 21 | Q Immediately following the interaction with Mr. Nesby? |
| 22 | Q | Did he ever tell you? | 22 | A Yes, because I asked her to wait for me. |
| 23 | A | No. | 23 | Q Is that the first time you told anyone about |
| 24 | Q | This was at a rest area as opposed to a gas station? | 24 | Mr. Nesby's actions? |
| 25 | A | Yes. | 25 | A Yes, it is. |
| | | Page 43 | | Page 45 |
| 1 | Q | No restaurants or -- or they didn't sell foods there, | 1 | Q Prior to Mr. Nesby's engaging in touching of you, did |
| 2 | | other than maybe vending machines; is that right? | 2 | he say anything to you that you would be -- that you |
| 3 | A | Correct. | 3 | would consider inappropriate or unprofessional? |
| 4 | Q | Okay. You said that he grabbed your arm as you were | 4 | A No. |
| 5 | | exiting the van? | 5 | Q So is it fair to say that when the first inappropriate |
| 6 | A | Yes. | 6 | encounter with Mr. Nesby occurred, that it came as a |
| 7 | Q | What happened next? | 7 | surprise to you? |
| 8 | A | So he said to me that -- well, I had my hair put up at | 8 | A Yes. |
| 9 | | that time. He said he really liked my hair down, and | 9 | Q Mr. Nesby didn't say anything to you prior to the |
| 10 | | he rubbed my -- I was looking at him, so it would have | 10 | first encounter that would lead you to believe that he |
| 11 | | been my right arm. And he said, "Did you notice that | 11 | was sexually attracted to you; is that right? |
| 12 | | I kept your cuffs loose so you can take them off in | 12 | A That is correct. |
| 13 | | the van if you want to?" | 13 | Q You didn't say anything to him prior to the first |
| 14 | | And I said, "Yes, I did. Thank you." | 14 | encounter to make him believe that you were sexually |
| 15 | | And then he said, "If we stop somewhere and you | 15 | attracted to him, correct? |
| 16 | | don't like what we're ordering, just whisper to me | 16 | A No. |
| 17 | | what you'd like, and I'll order that for you." | 17 | Q Okay. In terms of the fourth physical encounter with |
| 18 | | So I said, "Okay." And then I went into the | 18 | Mr. Nesby, can you tell me what happened? |
| 19 | | bathroom. | 19 | A We were standing outside the van at a gas station. |
| 20 | Q | So the only touching that occurred on this third | 20 | All the inmates were -- no, I'm sorry. There was one |
| 21 | | occasion was the rubbing of your right arm? | 21 | inmate in the van. The rest of them were sitting on |
| 22 | A | Yes. | 22 | the curb outside, either smoking or just talking to |
| 23 | Q | And he was whispering these things to you? | 23 | each other. |
| 24 | A | Yes. | 24 | Q Do you smoke? |
| 25 | Q | Okay. Did the conversation continue when you came out | 25 | A No. |

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| 1 | Q | Did you at the time of this transport? | |
| 2 | A | No. | |
| 3 | Q | I'm sorry. I interrupted you. | |
| 4 | | MR. LEVINE: Yes, you did. | |
| 5 | | Go ahead. | |
| 6 | | THE WITNESS: And he was standing at the passenger's side door. The doors were open on the van. So the way that the door was, as you were standing there, you couldn't see him directly because the other door was blocking him. | |
| 11 | BY MR. McGAVER: | | |
| 12 | Q | Which door are we talking about? | |
| 13 | A | The passenger back side door. | |
| 14 | Q | Thank you. | |
| 15 | A | And then he called me over. I was sitting on the curb next to Geri Ann, and he had called me over and had my property. | |
| 18 | Q | What did he say -- specifically say to you to call you over? | |
| 20 | A | He said, "Sheenah, can you come here?" | |
| 21 | Q | And you came over to him? | |
| 22 | A | Yes. | |
| 23 | Q | What happened next? | |
| 24 | A | He had my property, and I asked him what he was doing. | |
| 25 | | He pulled my phone out and turned my phone on and | |
| | | Page 47 | Page 49 |
| 1 | | said, "I want to send you my phone number because I really would like to connect with you when you get to Wisconsin." | |
| 4 | Q | What did you say in response to this? | |
| 5 | A | I was scared, so I said, "Okay." | |
| 6 | Q | And tell me how he sent you his phone number. | |
| 7 | A | He had my phone number from my property, so he already had my phone number in his phone. He sent it. He said he wanted to make sure the text went through, and then he powered my phone off. | |
| 11 | Q | Did you say anything to him while he was doing this? | |
| 12 | A | No. After he put my phone away, he -- I was standing to his left side, and then he put his arm around my waist and started rubbing my left butt, and then, kind of, took his hand and rubbed it down underneath my butt to my inner thigh on my left side. And then he kept saying, "I'm serious. I'm really interested in you." | |
| 19 | Q | This is over the clothes? | |
| 20 | A | Yes. | |
| 21 | Q | Can you describe what you were wearing? | |
| 22 | A | I do not recall what I had on. | |
| 23 | Q | Do you know what kind of -- would it have been pants? | |
| 24 | A | It was leggings. | |
| 25 | Q | Did you say anything to Mr. Nesby when he was -- when | |
| 1 | | he was touching you? | |
| 2 | A | I told him, "I feel uncomfortable." | |
| 3 | Q | What did he say in response? | |
| 4 | A | He just smiled at me. | |
| 5 | Q | Did he stop? | |
| 6 | A | I walked away. I went and sat down by Geri Ann. | |
| 7 | Q | Okay. | |
| 8 | A | And then, at that point is when I told Chicago what was happening, and he started watching from there on out. I believe Geri Ann had said she had seen it happen. | |
| 12 | Q | Were you handcuffed during this encounter? | |
| 13 | A | Yes. | |
| 14 | Q | You wouldn't consider the encounter, or any of the encounters we talked about so far, consensual; would you? | |
| 17 | A | No. | |
| 18 | Q | I forgot the total number of encounters that you said there were with Mr. Nesby. How many were there total? | |
| 20 | | MR. LEVINE: Are you including the ones she's already told you about? | |
| 21 | | MR. McGAVER: I am. | |
| 22 | | MR. LEVINE: Total. Okay. | |
| 23 | | THE WITNESS: I believe there was -- there was one more after that. | |
| 1 | BY MR. McGAVER: | | |
| 2 | Q | Sticking with the fourth encounter, we'll call it. Do you remember how many days into the trip this encounter occurred? | |
| 4 | A | I don't recall. | |
| 6 | Q | Okay. You said there was one more encounter. What happened? | |
| 8 | A | That was the last day that we were with him, and that had happened at the office. | |
| 10 | Q | At the Inmate Services office? | |
| 11 | A | Yes. | |
| 12 | Q | In Arkansas? | |
| 13 | A | Yes. | |
| 14 | Q | Tell me what happened. | |
| 15 | A | It was only me and, I believe, another guy during that trip there, and we had to get into another vehicle with different drivers, which was a husband and wife. | |
| 16 | | And so they took out Chicago and put him in the other van, and then they took my cuffs off me. | |
| 20 | Q | Who -- you're saying "they." Who is "they"? | |
| 21 | A | It was Marius, and then the other transport guy was there next to him. | |
| 22 | | Do you remember that individual's name? | |
| 24 | A | I do not off the top of my head. | |
| 25 | Q | Okay. | |

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| 1 | A | And Marius told the other guy that he was going to take me into the office for a minute and he'd be right back out. So the other guy said, "Okay." And he stayed in the van, and Marius took me in the office. | 1 | A | No. |
| 2 | Q | Did Marius explain to the other individuals, or to you, why he was taking you into the office? | 2 | Q | You said he pinned you against the counter with the front of his body pressed against the back of your body? |
| 3 | A | No. | 3 | A | The front of his body pressed against the front of mine. |
| 4 | Q | So he takes you into the office, and what happens next? | 4 | Q | What part of his body was physically making contact with your body such that you were pinned on the counter, at that time? |
| 5 | A | He starts fidgeting -- like playing around with a set of -- like, a basket of handcuffs because he had to switch the cuffs out from his transport to the new transport. They had to get a new set he said. | 5 | A | His stomach. |
| 6 | Q | Do you know why? | 6 | Q | How long were you pinned against the counter before he started kissing your neck? |
| 7 | A | No. That's just what he had said. | 7 | A | A couple of seconds. |
| 8 | | And then he said, "If you need to use the restroom, it's right there." | 8 | Q | And he took his hand and he placed it under your shirt? |
| 9 | | I said, "Okay, I'm going to go to the bathroom really quick." | 9 | A | Yes. |
| 10 | | So then I went to go to the bathroom, but before I was able to get in the bathroom, he was behind me. And there was a walker on the counter -- or, like, the wall. There was a counter and then a bubbler and then the restroom. And he pinned me up against the back of the counter and said, "I was serious about liking you, | 10 | Q | And grabbed your breast? |
| 11 | | and I want this to be more on the outside." | 11 | A | Yes. |
| 12 | | And then he starts kissing on my neck. And he had his weight against me, so I couldn't move, at that point. And then, he takes his hand and starts going under my shirt and touching my breasts, and then slides down to my butt, and then he kisses me on the mouth, and then he said that the timing for this was bad because he really wanted me to go to his house. And I had -- | 12 | Q | Over or under your bra? |
| 13 | | I said, "I need to go to the bathroom." | 13 | A | Under. |
| 14 | | So then, I pushed him back off me, and I went into the bathroom, and I sat in there for about five minutes. Then I heard the door open. Like, there was a bell on the office door, and somebody came in, so then I quickly went out. And it was the other guy. And he said to me -- Marius had told him what he had done and that he had kissed me, and he said, "You better never tell a soul about this." | 14 | Q | And then he grabbed your butt? |
| 15 | Q | When you went into the office with Mr. Nesby, how long was it you were in the office until he pinned you against the counter? | 15 | A | Yes. |
| 16 | A | Maybe 10 minutes. | 16 | Q | Over or under your pants? |
| 17 | Q | What were you doing during that 10-minute time? | 17 | A | Under. |
| 18 | A | Sitting on the couch. | 18 | Q | Or under your leggings, I'm sorry. You were wearing |
| 19 | Q | leggings? | 19 | A | Yeah. |
| 20 | | And then he kissed you on your mouth? | 20 | Q | And then he testified you pushed away? |
| 21 | | Yes. | 21 | A | Yes. |
| 22 | | Okay. And went to use the restroom? | 22 | Q | Okay. Did you believe that Mr. Nesby told this other Inmate Services employee what happened while you were in the restroom? |
| 23 | | Yes. | 23 | A | Yes. And he sent it via text. Because Chicago told me, when I got out to the van, that he saw the text message stating what he did. |
| 24 | | Okay. Did you believe that Mr. Nesby told this other Inmate Services employee what happened while you were in the restroom? | 24 | Q | What did Chicago tell you about the text message? |
| 25 | | Yes. | 25 | A | Chicago told me that he said, "You need to come in and let," -- Chicago's words were, "You need to let this bitch know that she will die if she tells anyone what happened in here." |
| 26 | Q | And he's relating the content of the text messages; is that right? | 26 | A | Yes. |
| 27 | Q | Do you know who the text message was from and who it was directed to? | 27 | A | According to Chicago, because I didn't see the |

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|----|--|---|
| 1 | message -- | 1 that representation to you? |
| 2 | Q Okay. | 2 A Shortly after I had gotten in the vehicle. |
| 3 | A According to Chicago, it was from Marius -- it was | 3 Q The first day? |
| 4 | communication between Marius and the second male | 4 A Yes. |
| 5 | driver. | 5 Q Paragraph 11, "Upon information and belief, the |
| 6 | Q How far into the trip did the female driver -- was she | 6 defendant Nesby, individually and as the agent, |
| 7 | released from your transport? | 7 servant and/or employee of the defendant Company |
| 8 | A It was the both of them until we got to the office, | 8 advised the plaintiff Arenz that he was going to," -- |
| 9 | and then we switched over to the other two new | 9 next page, "-- take her to his home in Memphis, |
| 10 | drivers. | 10 Tennessee, take a shower with her, sleep with her, and |
| 11 | Q So the second male driver we're talking about is the | 11 take intimate acts." (As read.) |
| 12 | male in the husband and wife team; is that right? | 12 That representation of what Mr. Nesby said he |
| 13 | A Yes. | 13 was going to do with you, we haven't talked about yet. |
| 14 | Q And you don't know his name? | 14 A Correct. |
| 15 | A I have it wrote [sic] down at home, but off the top of | 15 Q When did that -- when did Mr. Nesby make these |
| 16 | my head, no. | 16 comments? |
| 17 | Q What race is he? | 17 A He told me that he would do this a couple times |
| 18 | A African American. | 18 throughout the trip. Like, if we were just getting |
| 19 | Q Here, I'm going to go through some exhibits, and I'll | 19 out to go to the bathroom, out of the -- if I was |
| 20 | have the court reporter mark them. | 20 getting out of the van to go into the rest area, once |
| 21 | (Exhibit Number 1 was marked for | 21 everybody had gone in -- like I said, I was always the |
| 22 | identification.) | 22 last to get off -- is when he said -- we -- the day |
| 23 | BY MR. McGAVER: | 23 that I got trans -- like, that we switched transport, |
| 24 | Q I'm handing you what's marked as Exhibit 1, and that's | 24 we were supposed to go sit at a different jail |
| 25 | an amended summons, and on Page 3 is an amended | 25 overnight, but he said that he would drop off Chicago |
| | Page 55 | |
| 1 | complaint. I'll represent that it was filed by your | 1 at the men's jail. He would tell, whoever it was, |
| 2 | lawyer in Milwaukee County Circuit Court. I'm going | 2 that I was going to be going to the women's jail, but |
| 3 | to have you turn to where it says Page 3 on the | 3 he wouldn't take me there. He would instead just take |
| 4 | bottom. You're at the right page. Actually, you were | 4 me to his house. |
| 5 | at the right page. Now you are. | 5 Q And he told you that he was going to do this on more |
| 6 | Do you see where it says, "FIRST CLAIM - ASSAULT | 6 than one occasion? |
| 7 | AND BATTERY"? | 7 A Yes, he did. |
| 8 | A Yes. | 8 Q So other than the five instances of physical touching |
| 9 | Q If you go to Paragraph 10, it says that -- and | 9 that we've talked about, there were more than one |
| 10 | paraphrasing a little -- well, I won't paraphrase; | 10 instance of Mr. Nesby making comments similar to the |
| 11 | I'll read it. "Upon information and belief, the | 11 allegation compared to -- contained in Paragraph 11; |
| 12 | defendant Nesby, individually and as an agent, servant | 12 is that right? |
| 13 | and/or employee of the defendant Company told the | 13 A Yes. |
| 14 | plaintiff Arenz that he had 188 days to return her to | 14 Q More than five times? |
| 15 | the State of Wisconsin and that she was not even on | 15 A No. Probably about four -- three or four times he |
| 16 | his schedule." (As read). | 16 told me this. |
| 17 | Do you remember Mr. Nesby making that comment to | 17 Q Paragraph 12 on Page -- it's listed as Page 4 on |
| 18 | you? | 18 Exhibit 1. I'm not going to read it because it's a |
| 19 | A Yes, I do. | 19 little bit on the lengthy side. But Paragraph 12, |
| 20 | MR. LEVINE: Let me just clarify. I thought | 20 does that describe what we've talked about here today |
| 21 | you said 188. It's 180 days. Go ahead. | 21 as incident No. 5, in my words? |
| 22 | BY MR. McGAVER: | 22 A Yes, it does. |
| 23 | Q The answer was yes? | 23 Q Paragraph 13, "Subsequent to leaving the office, the |
| 24 | A Yes. | 24 defendant Nesby, upon information and belief, again |
| 25 | Q Do you remember how long into the trip Mr. Nesby made | 25 sexually assaulted the plaintiff Arenz and pulled her |

| | | Page 58 | Page 60 |
|----|--|---------|---|
| 1 | ponytail and reminded her that he was in control." | 1 | be in great harm. |
| 2 | (As read.) | 2 | Q Great harm is what he said? |
| 3 | Did that occur immediately after -- well, let me | 3 | A Yes. |
| 4 | ask it a different way. | 4 | Q Other than the five instances that we discussed of |
| 5 | When did that occur? | 5 | Mr. Nesby having physical contact with you on this |
| 6 | A Right when I was getting into the van -- the second | 6 | trip, were there any other occasions where Mr. Nesby |
| 7 | van. | 7 | touched you? |
| 8 | Q The second van. So we're talking about incident | 8 | A It was just, like, a couple of times it was really |
| 9 | No. 5? | 9 | brief. He would try to reach behind when he was |
| 10 | A The last -- yes. It was after all that had happened. | 10 | driving to touch my left leg. As I said, he would |
| 11 | Q Did anyone see Mr. Nesby pull your ponytail? | 11 | attempt because as soon as I saw his hand come, I |
| 12 | A Chicago did. | 12 | would move. |
| 13 | Q How do you know that Chicago saw Mr. Nesby pull your | 13 | Q With his left hand, I presume? |
| 14 | ponytail? | 14 | A Yes, because he was driving at that time. |
| 15 | A Because I made eye contact with him when he did it. | 15 | Q And it happened, you said, a couple, meaning two |
| 16 | He was already in the van waiting. | 16 | times? |
| 17 | Q The allegation is that he reminded her -- you -- that | 17 | A Yes. |
| 18 | he was in control. What did he specifically say to | 18 | Q Do you know whether Mr. Nesby assaulted or |
| 19 | you? | 19 | inappropriately touched others he had in custody on |
| 20 | A It was that I was not to tell anybody. | 20 | this trip? |
| 21 | Q Did he say anything else? | 21 | A No, he did not. |
| 22 | A No. He was there and then the second driver was | 22 | Q Do you know whether Mr. Nesby ever assaulted or |
| 23 | there. | 23 | inappropriately touched anyone else? |
| 24 | Q Did the second driver hear Mr. Nesby make these | 24 | MR. LEVINE: At any time? |
| 25 | comments to you? | 25 | BY MR. MCGAVER: |
| | | Page 59 | Page 61 |
| 1 | A Yes, because they both looked at me when it was said. | 1 | Q At any time. Do you know? |
| 2 | Q On Page -- it's marked as Page 5 -- let me know if | 2 | A Yes. |
| 3 | you're there -- Paragraph 17. Do you see what I'm | 3 | Q What do you know? |
| 4 | looking at? | 4 | A I know of the case that he just lost in Illinois for |
| 5 | A Yes. | 5 | sexual misconduct of an inmate, as well. |
| 6 | Q It says, "Upon information and belief, the defendant | 6 | Q That's out of Henry County, Illinois? |
| 7 | Nesby individually and as an agent, servant and/or | 7 | A Yes, it is. |
| 8 | employee of the defendant Company threatened to | 8 | Q Do you know about any other circumstances? |
| 9 | falsely imprison the plaintiff Arenz in his residence | 9 | A He had told me briefly about a girl in Texas, when he |
| 10 | and also threatened to kill her in the event that she | 10 | was transporting her to prison, that there were |
| 11 | told anyone." | 11 | allegations against him at one point, of sexually |
| 12 | Did Mr. Nesby threaten to kill you? | 12 | assaulting her. But he said that she lied because she |
| 13 | A Yes, and the second driver did too. | 13 | just needed help with a cell phone and he was helping |
| 14 | Q Was this threat made after incident No. 5? | 14 | her with her cell phone because hers was broke. |
| 15 | A Yes. | 15 | That's all I know about that. |
| 16 | Q Same date? | 16 | Q Mr. Nesby didn't you give you any additional details? |
| 17 | A Yes. | 17 | A Just that. |
| 18 | Q Did the threats occur when Mr. -- did this threat | 18 | Q When did Mr. Nesby explain his relationship with this |
| 19 | occur when Mr. Nesby pulled on your ponytail? | 19 | girl in Texas to you? How far into the trip? |
| 20 | A Yes. | 20 | A It was towards the end of the trip. |
| 21 | Q And he told you that he was going to kill you if you | 21 | Q We've been going about an hour. Are you ready for a |
| 22 | told anyone? | 22 | little break, or do you want to keep going? |
| 23 | A He said he was going to harm me. | 23 | A I can keep going. |
| 24 | Q Could you tell me the exact words that he used? | 24 | Q Okay. I'm going to hand you what will be marked as |
| 25 | A He said if I tell anybody what happened today, I would | 25 | Exhibit 2. |

| | | Page 62 | Page 64 |
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| 1 | (Exhibit Number 2 was marked for | | |
| 2 | identification.) | | 1 you who bailed you out. |
| 3 | BY MR. McGAVER: | | 2 A My husband did, yes. |
| 4 | Q Before we get to Exhibit 2 -- eventually you made your | | 3 Q Court records say that the initial appearance in the |
| 5 | way to Wisconsin, and you testified previously that | | 4 case was on May 18th, 2018. Does that sound right? |
| 6 | trip took about two weeks. Is that still right? | | 5 A Yes. |
| 7 | A Yes, roughly. | | 6 Q You were bailed out the same day? |
| 8 | Q You were brought to the Winnebago County Jail; is that | | 7 A Yes. |
| 9 | right? | | 8 Q I'm going to direct your attention to the text |
| 10 | A Yes. | | 9 messages, Exhibit 2. These were materials provided by |
| 11 | Q Who took custody of you when you were brought to the | | 10 your attorney in initial disclosures. Can you tell me |
| 12 | Winnebago County Jail? | | 11 what I'm looking at? |
| 13 | A They walked me right into the jail. | | 12 A Communications via text messages off of my phone, with |
| 14 | Q "They" meaning? | | 13 Marius. |
| 15 | A I'm sorry. The male transport driver, after we had | | 14 Q Correct me if I'm wrong, but the white bubbles or |
| 16 | switched. Because Nesby was not on this one. So the | | 15 boxes with M next to them, those are from Marius? |
| 17 | new driver walked me into the jail. | | 16 A Yes. |
| 18 | Q How long were you in the custody of the husband and | | 17 Q And the dark bubbles or boxes with a picture of -- it |
| 19 | wife driver, during the trip? | | 18 looks to be you. Those are from you; is that right? |
| 20 | A Two, maybe three days. | | 19 A Yes. |
| 21 | Q And the husband and wife were the ones that physically | | 20 Q It's Bates stamped Arenz 61. It starts off Wednesday, |
| 22 | brought you to the Winnebago County Jail? | | 21 May 23rd. There's a text message above that -- the |
| 23 | A Yes. | | 22 first page. The text message -- the first text |
| 24 | Q Did they bring any other prisoners to the Winnebago | | 23 message on the page, 10:28 p.m. It says, "Wanted to |
| 25 | County Jail? | | 24 say it was good talking to you today & I'm looking |
| | | | 25 forward to getting to know you better." |
| | | Page 63 | Page 65 |
| 1 | A Chicago was with me, but he was in the van with the | | 1 Do you know what date that text message would |
| 2 | wife. | | 2 have been sent? |
| 3 | Q So the husband and wife physically brought you inside | | 3 A That would have been Tuesday, May 22nd. |
| 4 | the Winnebago County Jail. And what happened next? | | 4 Q So the day prior to the text messages on the rest of |
| 5 | A They signed the paperwork and released me into the | | 5 this page, correct? |
| 6 | jail, and they left. | | 6 A Yes. |
| 7 | Q Okay. And you were booked into the Winnebago County | | 7 Q Who initiated the text message conversation, you or |
| 8 | Jail? | | 8 Mr. Nesby? |
| 9 | A Yes. | | 9 A Mr. Nesby. |
| 10 | Q Fingerprinted and photographed? | | 10 Q Okay. When is the first time that you responded to |
| 11 | A Yes. | | 11 one of Mr. Nesby's text messages? |
| 12 | Q Issued jail clothing? | | 12 A It would have been the message shown for Wednesday, |
| 13 | A Yes. Yes, I was. | | 13 May 23rd at 11:55 a.m. |
| 14 | Q How long were you in the jail before you saw a court | | 14 Q So the message that says, "I'm out with my family for |
| 15 | commissioner? | | 15 the day today so I don't have much service. It cuts |
| 16 | A An hour. | | 16 in and out. Can I give you a call tomorrow afternoon |
| 17 | Q And then bail -- or bond was set at that hearing; is | | 17 at all?" (As read.) That's the first time that you |
| 18 | that right? | | 18 had text message communication with Mr. Nesby, right? |
| 19 | A Yes. | | 19 A Yes. |
| 20 | Q \$1,000 cash? | | 20 Q Did you have any other -- strike that. |
| 21 | A Yes. | | 21 From the point in time where Mr. Nesby was no |
| 22 | Q How long before you were bailed out? | | 22 longer participating in your transportation to the |
| 23 | A I believe it took my husband two -- an hour and a half | | 23 Winnebago County Jail until this text message, did you |
| 24 | to come down there. | | 24 have any other communication with him whatsoever? |
| 25 | Q You're predicting my questions. I was going to ask | | 25 A No. |

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| 1 | Q | Not telephone calls? | |
| 2 | A | Yes. There was one -- so it was -- if I recall correctly, on Tuesday, the FBI came over, and we had placed our first call to Marius, which is what my assumption would be to the text message he wrote at 10:28 p.m. that said it was good talking to me today. Any communication via telephone, that I had, was recorded by the FBI. | 1 these messages yourself; is that true? 2 A That is correct. 3 Q Okay. did you ever participate in any other forms of 4 communication with Mr. Nesby? 5 A Telephone. 6 Q Okay. Other than telephone or text, anything else? 7 A No. 8 Q No Snapchat? Facebook Messenger? Instagram? Other electronic communications? |
| 9 | Q | So you reported Mr. Nesby's actions to law enforcement prior to this text message chain which you said started on Tuesday May 22nd, 2018; is that right? | 10 A He tried to add me on Facebook, but I never accepted. 11 Q Is that friend request still hanging out there somewhere? 13 A No. The FBI had me block it. |
| 12 | A | May 18th, as soon as I got booked into the jail, my fingerprint and picture done, I reported it. Winnebago Detective Craig came to speak with me. | 14 Q After Mr. Nesby was released from participating in your transport, did you ever see him again? 15 A No. 17 Q When you were released from the Winnebago County Jail, after having spent -- I think you said about an hour in there; is that right? 18 A I spent about a total of five hours it took for them to post the bail and release me. |
| 15 | Q | Is it Craig Bohn, B-o-h-n? | 20 Q Okay. But when you were released, where did you go? 23 A Home. 24 Q Your home? Your husband's house -- home? |
| 16 | A | I believe so. He came to speak to me. And then, I believe it was the following week, him, Detective Craig, and another Winnebago County detective and two agents from the FBI came to my house and spoke to me about this, and that's when it was turned over, at that point, basically, to the FBI. | 25 A My home in Kaukauna. |
| 22 | Q | Okay. And I'll have some more questions about that in just a second, but back to the text message communications. | |
| 25 | | Is all of the -- take a minute to look through | |
| | | Page 67 | Page 69 |
| 1 | | Exhibit 2, if you would. I'm going to ask you whether all of the text message communications that you had, either to or received -- that you drafted to or received from Mr. Nesby, occurred after you reported Mr. Nesby's actions to law enforcement. Is that true? | 1 Q Okay. Your parents' -- 2 A Well, our home. No. I had an apartment in Kaukauna. 3 Q Inmate Transport Services picked up in Arizona. What were you doing in Arizona? 5 A My husband and my son had a house out there. He was going to school full time. My son was going to school out there, as well. I moved out there full time in December after I was terminated from employment. We had that house since July of the previous year. 10 Q And you still retained the residence in Kaukauna? 11 A Yes, I did. |
| 6 | A | Yes, it is. | 12 Q Okay. In the criminal case we talked about, 18-CF-179, the Winnebago County case, you were ultimately convicted in that case, right? |
| 7 | Q | Okay. You never texted Mr. Nesby before reporting what he did to the police, right? | 15 A Yes, I was. |
| 9 | A | That is correct. | 16 Q Because of a no contest plea? |
| 10 | Q | Did the police direct you to engage in text message conversation with Mr. Nesby? | 17 A Yes. |
| 12 | A | Yes. Every response that I had made was -- I was told what to say from Mike from the FBI. So when Marius would send me a text message, I would screenshot that message. I would send it via text to Mike. | 18 Q Okay. And you were sentenced on October 11th, 2019? 19 A Yes. |
| 16 | Q | Is that Agent Michael Meyer? | 20 Q Three years probation? |
| 17 | A | Yes. And then, he would send me a response on what to say. | 21 A Yes. |
| 19 | Q | And you followed Agent Meyer's directions? | 22 Q A year of jail? Is that right? |
| 20 | A | Yes, I did. | 23 A Yes. |
| 21 | Q | Okay. So in reality, any communications directed to Mr. Nesby that are contained in Exhibit 2 were drafted by FBI Agent Michael Meyer; is that right? | 24 Q MR. LEVINE: I'm going object. These questions are highly irrelevant. Go ahead. You can |
| 24 | A | Yes, it is. | |
| 25 | Q | Okay. You didn't come up with the content of any of | |

| | | Page 70 | Page 72 |
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| 1 | ask, but I don't know where you're going on this. | | |
| 2 | BY MR. McGAVER: | | |
| 3 | Q Are you currently residing in the Jefferson County | 1 Q We were on the 18th, I'm sorry. That's the date that | |
| 4 | Jail? | 2 you were brought to the Winnebago County Jail, | |
| 5 | A Yes, but I have Huber. So I'm out for 12 hours a day | 3 May 18th, 2018, right? | |
| 6 | for child care. | 4 A Yes. | |
| 7 | Q Back to the reporting of the assault. You said on -- | 5 Q And did the FBI come to your house on -- I believe you | |
| 8 | or the assaults I should say. On the trip itself, you | 6 said May 23rd. Is that right? | |
| 9 | said you told Geri Ann and then Chicago; is that | 7 A I believe it was the 22nd. | |
| 10 | right? | 8 Q The 22nd. I misheard you. I'm sorry. | |
| 11 | A Yes. | 9 A Yes. | |
| 12 | Q Did you tell anyone else about Nesby's assault, while | 10 Q That's FBI Agent Michael Meyer? | |
| 13 | you were being transported? | 11 A Yes. It was FBI Agent Michael Meyer and another FBI | |
| 14 | A Just those two. | 12 agent and Winnebago Detective Chris, and then, another | |
| 15 | Q And when you arrived at the Winnebago County Jail, did | 13 Winnebago detective. So there was four of them. | |
| 16 | you tell any staff member, or anyone you encountered | 14 Q How long did that meeting last? | |
| 17 | at the Winnebago County Jail, about the assault? | 15 A A few hours. | |
| 18 | A Yes, the deputy at the booking station. | 16 Q And did you tell these detectives everything that | |
| 19 | Q You did? | 17 you've told me here today? | |
| 20 | A Yes. | 18 A Yes. | |
| 21 | Q Do you remember that deputy's name? | 19 Q Did you tell them anything in addition to what you've | |
| 22 | A No, I do not. | 20 told me today, in terms of the five sexual assaults | |
| 23 | Q Did you tell anyone else at the Winnebago County Jail? | 21 that you allege Mr. Nesby perpetrated? | |
| 24 | A They brought in Detective Craig immediately after I | 22 A No. | |
| 25 | reported what had happened at transport. | 23 Q Is there anything different from what you told law | |
| | | 24 enforcement than what you told me here today? | |
| | | 25 A I do not believe so. | |
| | | Page 71 | Page 73 |
| 1 | Q So you were still in custody at the Winnebago County | 1 Q Did you ever have any conversations with Fara, | |
| 2 | Jail when you started having conversations with | 2 F-a-r-a, G-o-l-d, Gold? | |
| 3 | Detective Craig Bohn about Mr. Nesby's actions; is | 3 A No, I have not. | |
| 4 | that right? | 4 Q What about Emily Stephani, S-t-e-p-h-a-n-i? | |
| 5 | A Yes. | 5 A Yes. | |
| 6 | Q Okay. Detective Bohn met with you at the Winnebago | 6 Q Who is Ms. Stephani? | |
| 7 | County Jail? | 7 A She's a special victims coordinator for the FBI. | |
| 8 | A Yes. | 8 Q When did you speak with Ms. Stephani? | |
| 9 | Q How much time did he spend with you? | 9 A It was -- I do not recall the exact date, but it was | |
| 10 | A About a half hour, I would say. | 10 the week of the 23rd, somewhere in there. | |
| 11 | Q He took a formal statement from you? | 11 Q What did you talk to Ms. Stephani about? | |
| 12 | A Yes, he did. | 12 A She was -- it was explained to me that she is the | |
| 13 | Q Did he have you write anything down? | 13 special victims coordinator. So if I was having | |
| 14 | A Yes, I believe so. He, kind of, formed it out himself | 14 problems or issues processing what had happened, or | |
| 15 | and then had me sign it. | 15 just needed somebody to talk to, I could contact her | |
| 16 | Q Did Detective Bohn tell you anything about the next | 16 for, just assistance, or if I wanted to do counseling, | |
| 17 | steps in the investigation into Mr. Nesby? | 17 contact her, and she could give me information on | |
| 18 | A Yes. He said because it was multi-state, he was going | 18 that. | |
| 19 | to be contacting the FBI. | 19 Q And you did contact her, obviously? | |
| 20 | Q When is the next time you heard anything about law | 20 A Yes. | |
| 21 | enforcement's investigation into Mr. Nesby's actions? | 21 Q Did you request counseling from her? | |
| 22 | We're at May 23rd, I believe. | 22 A No, I did not request any counseling from her. I saw | |
| 23 | A Michael Meyer contacted me the next day, and then they | 23 my own counselor. | |
| 24 | came to my house -- I believe it was Tuesday the 22nd, | 24 Q What did you ask Ms. Stephani to do for you? | |
| 25 | May 22nd. | 25 A I do not recall, at that time, what I had asked her | |

| | Page 74 | Page 76 |
|----|--|--|
| 1 | for. | wanted to do to me, if I would have gone to his house. |
| 2 | Q Did you have just that one conversation with | And then, the last thing was they wanted me to say |
| 3 | Ms. Stephani or did you have multiple conversations | that I was going to tell law enforcement what he had |
| 4 | with her? | done to me, and he begged me not to. And they had |
| 5 | A Multiple. I'm still in contact with her. | said -- I believe our last text message - our last |
| 6 | Q When's the last time you talked with her? | phone call was, "Please do not contact me again." |
| 7 | A On Saturday. | Q Marius told you that? |
| 8 | Q What did you guys talk about? | A No. They had me tell Marius that. |
| 9 | A I had updated my phone number with her. | Q You said every Tuesday you would make a coordinated |
| 10 | Q Anything else? | call, I'll call it, to Marius. Is that a fair |
| 11 | A She had sent me a message back saying thank you and | characterization? |
| 12 | that she would have an update -- she was going to get | A Yes. |
| 13 | an update from me -- from the FBI on where my case is | Q How many total calls do you believe you made, with the |
| 14 | with him, federally. | assistance of law enforcement, to Mr. Nesby? |
| 15 | Q Did you tell her that you were being deposed today? | A I don't recall how many times they came. I would |
| 16 | A Yes, in a conversation prior to Saturday. | assume -- I would say, probably, two months. |
| 17 | Q Michael Meyer we've already talked about. Brian | Q When is the last time you made such a phone call? |
| 18 | D'Arcy, D apostrophe -a-r-c-y. Does that name ring a | A 2018. |
| 19 | bell? | Q Okay. So roughly eight times -- eight phone calls |
| 20 | A Yes, he's an FBI agent. | with Mr. Nesby, if my math is right. Does that sound |
| 21 | Q You've had some contact with Agent D'Arcy? | fair? |
| 22 | A Yes. | A No. Because there was other times where he would send |
| 23 | Q Did Agent D'Arcy come to your house? | me a text message and he would ask to talk to me, and |
| 24 | A Yes. | they would show up the next day. So kind of, like, |
| 25 | Q With Agent Meyer? | here. This was on Wednesday. They asked me to have |
| | Page 75 | Page 77 |
| 1 | A Yes. | him call tomorrow. So they came over on that Thursday |
| 2 | Q Just those two agents, or were there others at your | to talk. So there was a couple of times where it was |
| 3 | house? | out of the normal schedule. |
| 4 | A The first few times that they came it was the four of | Q More than 20 phone calls with Mr. Nesby, with the |
| 5 | them; two FBI, two Winnebago detectives. | assistance of law enforcement? |
| 6 | Q You said the first few times that they came. | A No. It was less than 20. |
| 7 | A It was about three or four times, yes, that they came. | Q But more than 10? |
| 8 | And then it would drop down to -- Winnebago had | A I would say so. |
| 9 | completely stepped out of it and had just left it up | MR. LEVINE: You can keep going. (Leaving |
| 10 | to -- Brian and Michael from the FBI would come. | room.) |
| 11 | Q How many times did law enforcement members visit your | THE WITNESS: Okay. |
| 12 | house as a result of their investigation of this | MR. MCGAVER: Sure. |
| 13 | matter? | Q Does the name Demar Hampton ring a bell to you? |
| 14 | A They would come every Tuesday. | A I do not recall that name. |
| 15 | Q Why every Tuesday? | Q Have you ever heard the name Randy Cagle, C-a-g-l-e? |
| 16 | A Because that's when we would call Marius. | A I don't recall that name. |
| 17 | Q So you had weekly phone conversations with Mr. Nesby? | (Mr. Levine re-entered the room.) |
| 18 | A Yes. | BY MR. MCGAVER: |
| 19 | Q What kind of things did the FBI agents ask you to talk | Q What about Steven Tyler? Not the guy from Aerosmith. |
| 20 | to Mr. Nesby about? | A No, I do not recall that name. |
| 21 | A Reliving from when I got picked up. | Q Okay. Do you recall the names of any other employees |
| 22 | Q What do you mean by that? | from Inmate Services Corporation, other than -- |
| 23 | A Having him talk about the sexual assaults that he did | MR. LEVINE: Let's back up for a second. |
| 24 | to me, and getting him to admit that. Getting him to | Tyler. You know that name, right? Steven Tyler? |
| 25 | admit that he kissed me. Having him explain what he | Wasn't he the other driver or something? Or no? |

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| 1 | THE WITNESS: I have the gentleman's name | 1 A No, I do not. | |
| 2 | written down, but I do not recall at the top of my | 2 Q Prior to May of 2018, you participated in some mental | |
| 3 | head who they were. | 3 health treatment, right? | |
| 4 | MR. LEVINE: Okay. | 4 A Yes, I have. | |
| 5 | THE WITNESS: It could have been, but I | 5 Q Do you remember who treated you? | |
| 6 | don't recall. I think there were pictures in here of | 6 A I've seen several providers. | |
| 7 | the drivers. Because they had me -- they gave me a | 7 Q What for? | |
| 8 | lineup. | 8 A I was diagnosed with bipolar and manic depressive. | |
| 9 | BY MR. McGAVER: | 9 Q Do you remember who made those diagnoses initially? | |
| 10 | Q And "in here", you're referring to Exhibit 2, right? | 10 A A psychiatrist from Dean Healthcare. | |
| 11 | A Yes. Sorry. | 11 Q Do you remember that provider's name? | |
| 12 | Mary Davis. | 12 A No, I do not. | |
| 13 | Q Who's Mary Davis? | 13 Q Prior -- | |
| 14 | A That was the wife of the second transport driver. | 14 A They had sent me for testing at one of their clinics | |
| 15 | Q And there's the third -- second -- strike that. | 15 for a full evaluation. | |
| 16 | MR. LEVINE: Who was the wife -- that guy | 16 Q Prior to May of 2018, how often did you participate in | |
| 17 | with the wife? | 17 mental health treatment? | |
| 18 | THE WITNESS: I don't recall his name. | 18 A I would say from 2001 until 2012 I was on medication. | |
| 19 | MR. LEVINE: Off the record for a second. | 19 Q What medications? | |
| 20 | (A brief discussion was held off the | 20 A I was on -- they've tried me on several different | |
| 21 | record.) | 21 medications for my mental stability, I guess, to help | |
| 22 | MR. McGAVER: Back on the record. I'll ask | 22 regulate me, and then I went to a counselor. I went | |
| 23 | the question again. | 23 to a counselor a lot. And then, I was starting to do | |
| 24 | Q After refreshment of your recollection through this -- | 24 really good weaning myself off the medicine and | |
| 25 | through your attorney going through some of his notes, | 25 learning how to control myself without it, but still | |
| | | Page 79 | Page 81 |
| 1 | I believe, does the name Steven Tyler ring a bell? | 1 seeing a counselor. | |
| 2 | A Yes. He was the driver for the second transport. | 2 Q And this is all in the period 2001 to 2012? | |
| 3 | Q He was the husband in the husband/wife combo; is that | 3 A Yes. I was still on anxiety medication. | |
| 4 | right? | 4 Q Did you stop treating in 2012? | |
| 5 | A Yes. | 5 A I didn't stop treatment fully. I would still see, | |
| 6 | Q Do you remember the wife's name now? | 6 like, a counselor here and there if I had troubles | |
| 7 | A Mary Davis. | 7 just regrouping myself. | |
| 8 | Q And in Exhibit 2, it's Bates No. Arenz 72 and Arenz | 8 Q Other than medication and visits with the counselor, | |
| 9 | 73, that mentioned the name of Mary A. Davis; is that | 9 did mental health professionals do anything else to | |
| 10 | right? | 10 treat you prior to May of 2018? | |
| 11 | A Yes. | 11 A No. | |
| 12 | Q What am I looking at on Bates No. 72 -- Arenz 72 and | 12 Q Prior to May of 2018, other than manic depress -- I'm | |
| 13 | 73, with Mary Davis' name there? Because it doesn't | 13 sorry, manic depressive disorder, bipolar disorder, | |
| 14 | appear to be a text message. What is it? | 14 were you diagnosed with anything else? | |
| 15 | A This was a screenshot of her Facebook page that I had | 15 A PTSD. | |
| 16 | sent. | 16 Q And what was the event prior to May of 2018 that would | |
| 17 | Q Are you Facebook friends with Mary Davis? | 17 have caused the PTSD diagnosis? | |
| 18 | A No, I am not. | 18 A I was severely abused for many years by my son's | |
| 19 | Q What about Steven Tyler? | 19 father. | |
| 20 | A No, I am not. | 20 Q Prior to the actions of Mr. Nesby, were you ever a | |
| 21 | Q You don't know the name Randy Cagle, right? | 21 victim of sexual assault? | |
| 22 | A No, I do not. | 22 A Yes, once. | |
| 23 | Q Anyone -- do you know the identity, or the name, of | 23 Q When did that occur? | |
| 24 | anyone else from Inmate Services Corporation other | 24 A When I was 17. | |
| 25 | than those two we've talked about here today? | 25 Q Do you attribute the sexual assault when you were 17 | |

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| 1 | to any of the mental health issues that you were | | |
| 2 | treated for? | | |
| 3 | A No. | 1 A Yes. | |
| 4 | Q How long after you were released from custody in this | 2 Q Kathleen O'Neill? | |
| 5 | case, in May of 2018, did it take you to seek | 3 A Yes. | |
| 6 | treatment for mental health issues or a trauma caused | 4 Q Does the name Stanley Fudala, F-u-d-l -- F-u-d-a-l-a, | |
| 7 | by Mr. Nesby's assault? | 5 ring a bell? | |
| 8 | That was a poor way of asking a question. | 6 A Yes. | |
| 9 | May 2018 you were released from custody. When | 7 Q Who's Stanley Fudala? | |
| 10 | is the next time that you treated as a result of what | 8 A He is a -- he prescribes medications for me for mental | |
| 11 | you say that Mr. Nesby did? | 9 health. | |
| 12 | A I don't recall the date, but it did take some time | 10 Q Is he a psychiatrist? | |
| 13 | because I had to reestablish insurance before I could | 11 A Yes. | |
| 14 | go anywhere. | 12 Q What medications does Dr. Fudala prescribe for you? | |
| 15 | Q Is it possible that it occurred sometime in November | 13 A Currently, he has me on hydroxyzine. | |
| 16 | of 2018? | 14 MR. LEVINE: Do you know how to spell that? | |
| 17 | A Yes, that is a possibility. | 15 MR. MCGAVER: She might ask you afterwards, | |
| 18 | Q Who's April Garcia? | 16 that's why. | |
| 19 | A She was my primary care physician. | 17 THE WITNESS: I honestly do not know. | |
| 20 | Q What about Jennifer Bleak? | 18 MR. MCGAVER: We'll track it down. You'll | |
| 21 | A She's my counselor. | 19 leave it to me, right? | |
| 22 | Q Currently? | 20 COURT REPORTER: It's okay. | |
| 23 | A Yes. | 21 THE WITNESS: I have my bottle in my purse. | |
| 24 | Q And you've been treating with Jennifer Bleak since | 22 BY MR. MCGAVER: | |
| 25 | 2018; is that right? | 23 Q What does hydroxyzine do for you? | |
| | | 24 A It helps calm me. | |
| | | 25 Q Is it effective, do you think? | |

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| 1 | A I think 2019. | 1 A Is it effective? | |
| 2 | Q Is Jennifer Bleak a physician -- a doctor? | 2 Q Yeah. | |
| 3 | A No. She's a counselor. | 3 A Yes, it is. | |
| 4 | Q Who's Kathleen O'Neill? | 4 Q Any other medications that Dr. Fudala prescribes for | |
| 5 | A She was a counselor that I had before Jennifer. | 5 you? | |
| 6 | Q And she was at Watertown Regional Medical Center; is | 6 A None that I am currently taking. | |
| 7 | that right? | 7 Q Are you currently treating with Dr. Fudala? | |
| 8 | A Yes, that is correct. | 8 A Yes. | |
| 9 | Q You saw Ms. O'Neill for overwhelming anxiety, | 9 Q You stopped treating with Kathleen O'Neill in January | |
| 10 | depression and PTSD symptoms; is that right? | 10 -- January 15th of 2019, or thereabouts; is that fair? | |
| 11 | A Yes. | 11 A Yes. | |
| 12 | Q How long did you treat with Ms. O'Neill? | 12 Q And just because of their cancellation policy, right? | |
| 13 | A I only saw her a couple of times before switching over | 13 A Yes. | |
| 14 | to Jennifer. | 14 Q Okay. And about that time, it appears, you started | |
| 15 | Q Is there any reason that you switched over from | 15 treating with Dr. Fudala. Is that about right? | |
| 16 | Ms. O'Neill to Jennifer Bleak? | 16 A Yes. | |
| 17 | A Yes. I was having a really bad day trying to control | 17 Q Are you seeing any other mental health providers | |
| 18 | my anxiety on a day that I had an appointment, so I | 18 currently, besides Dr. Fudala and Jennifer -- I can't | |
| 19 | called her the morning of my appointment to cancel, | 19 think of her last name. | |
| 20 | and their policy doesn't allow it. So she ended up | 20 A I think you had said it was Bleak. I honestly don't | |
| 21 | dropping me. | 21 know her last name, but her first name is Jennifer. | |
| 22 | Q If that policy did not require that she drop you as a | 22 She's through Family Services. | |
| 23 | patient, would you have continued to see Ms. O'Neill? | 23 Q But she's a counselor? | |
| 24 | A Yes. I have seen Kathleen since 2009 or 2010. | 24 A Yes. | |
| 25 | Q Same counselor? | 25 Q And Jennifer Bleak could be somebody else? | |

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| 1 | A | It's a possibility, but I don't know of any other -- | 1 Q What kind of progress do you think you've made? |
| 2 | Q | I'm not trying to trip you up. Jennifer Bleak is a physician that showed up on some of the medical records. | 2 A How to -- I'm learning how to control my surroundings. I'm learning how to control my anxiety a little bit more without the medication. It's kind of a difficult answer -- to answer because of the trauma and everything that has happened to me that I am still suffering from. But it is a work in progress, and I am slowly getting back to my normal lifestyle. |
| 5 | A | Okay. So... | 5 |
| 6 | Q | I'm trying to get a hold of who the cast of characters are. | 6 |
| 8 | A | No, she is not a physician. She's a counselor. | 7 |
| 9 | Q | Okay. I'm going to give you Exhibit 3. | 8 |
| 10 | | (Exhibit Number 3 was marked for identification.) | 9 Q When is the last time you had an appointment with Dr. Fudala or your counselor, or anybody else? |
| 11 | | | 10 A Dr. Fudala was in November of 2018, and then -- |
| 12 | | BY MR. McGAVER: | 11 Q 2018 you said? |
| 13 | Q | I'll represent to you that this is a medical record provided by your attorney, detailing some treatment on January 15th of 2019. I'll have you turn to where it says Bates No. Arenz 29 at the bottom. Let me know when you get there. | 12 A I'm sorry, 2019. And then, my counselor was in December of 2019. |
| 18 | A | I am there. | 13 Q Do you have any appointments currently scheduled with either Dr. Fudala or another mental health provider? |
| 19 | Q | All right. It says, "Nursing Documentation: Behavioral Health Forms." And then, down that list it says, "Ever forced sexual activity:". The answer to that question is, "Yes." | 14 A Not with Dr. Fudala at this time but with my counselor. I see her every two weeks. |
| 23 | | Is there any other instance of sexual assault, other than the ones we talked about here today, that would have caused you to answer that question yes? | 15 Q As part of the allegations made in this case, are you claiming that you're unable to work because of the actions of Mr. Nesby? |
| 25 | | | 16 A I tried to go to work after the things that had happened to me. I do struggle quite a bit. So it's something that I do -- I try. It's just very difficult for me. |
| | | Page 87 | Page 89 |
| 1 | A | Yes. | 1 Q When's the last time that you applied for a job? |
| 2 | Q | What have we missed? | 2 A My last job was in December, so I have not applied. |
| 3 | A | This -- so this isn't related to this case. | 3 Q Okay. You're not alleging that you received any sexually transmitted disease from Mr. Nesby; is that right? |
| 4 | Q | Okay. | 4 A No, I do not. |
| 5 | A | This was when I was 17. | 5 Q Okay. And you're not alleging that he engaged in unconsensual [sic] intercourse with you, right? |
| 6 | Q | Okay. Two lines down from there where it says, "Relationship of sexual abuser BH: Stranger," does that refer to Marius Nesby? | 6 A That is right. |
| 9 | A | No. | 7 Q Okay. And there was no oral sex involved with your interactions with Mr. Nesby? |
| 10 | Q | Who's the stranger that sexually abused you? | 8 A No, there was not. |
| 11 | A | The one that had -- the forced sexually was a guy that I didn't know, like I said, when I was 17. | 9 Q Okay. Fair to say that your interactions with Mr. Nesby were unconsensual [sic] sexual contact? |
| 13 | Q | Oh, this is the same incident when you were 17? | 10 A Correct. |
| 14 | A | Yes. | 11 Q Is there anything about your interactions with Mr. Nesby that prevent you from participating in any of your hobbies or your -- the things that you used to do that you don't get the same enjoyment out of that you did before you met Mr. Nesby? |
| 15 | Q | So other than the incident when you were 17 and the incidents with Mr. Nesby, have you been a victim of sexual assaults? | 12 A Yes. There's a lot of stuff. |
| 18 | A | My son's father, but that was more of, like, sexual abuse, that's what the PTSD back then was from. | 13 Q Like what? |
| 20 | Q | And I'm sorry to bring up these topics. I really don't take any pleasure from it. | 14 A I do not leave my home unless I have somebody with me. I now have security cameras all around my house and outside of my house. |
| 22 | | We're done with Exhibit 3. | |
| 23 | | Do you think you've made any progress in treatment since May of 2018? | |
| 25 | A | It's getting there, yes. | |

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| 1 Q | How many cameras do you have? | |
| 2 A | Four. I -- even going shopping with my son or something, I still have panic attacks, thinking that somebody is watching me or somebody is going to get to me. | 1 STATE OF WISCONSIN) 2) SS 3 MILWAUKEE COUNTY) 4 I, CHRISTINE A. KOVAC, RPR, Registered 5 Professional Reporter and Notary Public in and for the 6 State of Wisconsin, do hereby certify that the preceding 7 Deposition was recorded by me and reduced to writing under 8 my personal direction. 9 I further certify that said Deposition was 10 taken before me at LAW OFFICES OF ROBERT A. LEVINE, 630 11 North Broadway, Milwaukee, Wisconsin, on the 9th day of 12 January, 2020, commencing at 1:19 p.m. and concluding at 13 3:23 p.m. 14 I further certify that I am not a relative 15 or employee or attorney or counsel of any of the parties, 16 or a relative or employee of any such attorney or counsel, 17 or financially interested directly or indirectly in this 18 action. 19 In witness whereof, I have hereunto set my 20 hand and affixed my seal of office at Milwaukee, 21 Wisconsin, on this 17th day of January, 2020. 22 CHRISTINE A. KOVAC - Notary Public In and for the State of Wisconsin. My commission expires: October 3, 2023 |
| 6 Q | What -- | |
| 7 A | So I struggle. | |
| 8 Q | I'm sorry. I didn't mean to interrupt you. What do you define as a panic attack? | |
| 10 A | My anxiety gets really, really bad at times, and it's very hard to bring down at times, so then I have to take my medication for it. | |
| 13 Q | Anything else that you can tell me about how Mr. Nesby's actions have affected your ability to carry on with your daily activities? | |
| 16 A | Working -- even as a housekeeper, my fear was that him, or somebody else that he knows, was going to be waiting in a room for me when I went in to clean it. So I usually had one of the other girls open the door for me and brace it open, basically, doing -- making sure nobody was in the room before I went in. | |
| 22 Q | And you did that when you were working as a housekeeper? | |
| 24 A | Yes. | |
| 25 Q | Anything else that you can tell me? | |
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| 1 A | No. I think that's it. I try to stay home as much as I can. I don't like to go out. | |
| 3 | MR. McGAVER: Let me just page through my notes. I promise to do it quickly. I think I'm all done. | |
| 6 | (A brief discussion was held off the record.) | |
| 8 | MR. McGAVER: That's all I have. Thank you. | |
| 10 | (Deposition concluded at 3:23 p.m.) | |
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